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THE REVISION OF THE TREATY OF VERSAILLES

THE DEMAND for a revision of the Treaty of Versailles is, we judge, greater today than at any time heretofore. It must be generally agreed that that instrument must be the main cause for most of the ills that the world's flesh has fallen heir to. Naturally, Germany believes that the treaty should be revised; indeed, she bases her demands for a revision on every conceivable ground.

There is one fact about the Treaty of Paris which seems to have received little emphasis. That fact is that it, unlike other treaties, was based upon the principles of legal procedure, and drawn to make legal processes among nations possible. True, the victorious nations have reserved unto themselves the right to judge in their own cases; but, as certain of the Allies have pointed out, the nations insist upon just that right, providing in their codes that cases shall be decided by the State through its paid officials. If it be acknowledged that international law is little better than tradition and precedent, the Versailles Treaty may be said to be an attempt to remedy this by introducing legal procedure between the nations. Accepting the Treaty of Versailles at its face value, that it is an attempt to establish justice by legal procedure, the corollary is self-evident, namely, that if the Treaty of Versailles is to be revised it must be revised legally. All nations recognize the nature of legal procedure. While former peace treaties, based on might, have been looked upon as final and incapable of revision except by war, this cannot be said to be true of the Treaty of Versailles.

Before us is a pamphlet, written by Von Dr. Heinrich Kanner, entitled "*Der Rechtsweg zur Revision des Friedensvertrags Wegen Neu Aufgefundener Beweismittel*—The legal way to a revision of the peace treaty in consideration of newly discovered evidence. In this pamphlet Dr. Kanner, a journalist of Vienna, points out that the idea of revising the Treaty of Versailles in a legal manner is not a plaything of idle lawyers, but a vital necessity of the public conscience, especially of the Western democracies. He points out that under well-known principles of jurisprudence the Versailles Treaty, being based on law, is open to revision *ob noviter reperta*. Applying his argument to a concrete situation, he points out that Germany should call for a reopening of the case against her, showing that new evidence has been found, and that the verdict as to her guilt should be revised. He says the *noviter reperta* are at hand, that they should be made public to all the world, and that the Entente should be prevailed upon to reopen the case. That, he says, is the

advantage Germany can gain from the legal idea of the Treaty of Versailles.

To get the force of the argument here, let us summarize Dr. Kanner's facts. After the signing of the Treaty of Versailles, a Commission, consisting of fifteen members and representing all of the Allied and Associated Powers, was appointed to investigate the cause of the war, particularly the question of guilt. This Commission acted as judge and jury, examining all the evidence at hand. There was, however, certain evidence which was not at hand. The Central Powers had not published their secret documents at the time of the report of the Commission, March 29, 1919. For example, the Austrian Red Book, consisting of three volumes, and the German White Book, consisting of four volumes, were not published until late in 1919, after the peace had been ratified. While these "books" contained much to justify the verdict against the Central Powers, they contained facts which warrant a revision by the Commission of its verdict. From these books it appears that Berlin could have stopped the war by a hint to Count Berchtold prior to July 5, 1914. After that date nothing could have prevented Berchtold from starting hostilities. From these sources of information it is also clear that the German Government refused all mediation of the Entente Powers, but only up to the night of July 27. For three days after that Germany assisted the Entente in their attempts at mediation with Vienna. It was Vienna that refused mediation. While Austria-Hungary expressed, on July 31, its willingness to discuss with Russia the Serbian note, this expression was qualified in such a way that it was meaningless. The new evidence, according to Dr. Kanner, because of which the Treaty of Versailles, if it is a legal instrument in fact, ought to be revised, is as follows: Twice, namely, in November, 1912, and in July, 1913, William II refused to start a world war; but when Francis Joseph wrote the third time, William II gave his consent, July 5, 1914. When, during the night of July 27, William II learned about Serbia's yielding reply to the Austrian ultimatum he tried his best to prevail upon Austria to accept the mediation of the Entente; but in vain. It was Francis Joseph who wanted war. The last offer from Sir Edward Grey was based upon the premise of immediate cessation of hostilities against Serbia. But Berchtold, Forgach, and Hayas decided that such a cessation of hostilities was out of the question. On the evening of July 30, William II addressed Francis Joseph directly, in order to induce him to yield and to accept England's offer; but he was notified on the morning of July 31 that Austria had ordered general mobilization, and at noon the German Emperor gave his consent to a declaration

of war. The ultimatums to Russia and France followed, and then the declaration of war.

The point is that this unyielding attitude of Vienna remained unknown to the world at large until the end of 1919. Not knowing of this attitude of Vienna, the investigating Commission of eleven put the entire blame on Germany, basing their verdict on the English Blue Book, published at the beginning of the war. Dr. Kanner, himself an Austrian, states that Austria's willingness to start direct negotiations with Russia, which negotiations were said to have been frustrated by Germany, is but another evidence of Count Berchtold's game of flimflam.

This new evidence, while not changing the crime or the verdict, ought, says our Austrian writer, to change the judgment stipulating the amount of punishment. Therefore the judgment—that is to say, the Peace Treaty—should be revised.

The Entente cannot permit a revision of the Peace Treaty on economic grounds, as such a revision would lead to new complications, rendering their statesmen ridiculous. But the Entente can revise the treaty on legal grounds. If it were to revise the treaty on legal grounds, the results would be the feeling of legal security over the entire world. It would prove conclusively that in international life, as well as in national life, the law is the only protection of the weak. A peace treaty revised on legal grounds, as in the case of any legal judgment, would revive the confidence in our civilization, now all but shattered by the World War.

If the Entente should refuse to revise the treaty in the light of the newly discovered evidence, then the treaty becomes legally void. The legal basis of the Entente upon Germany is destroyed.

This argument by Dr. Kanner, insisting that the judgment of the Treaty of Versailles against Germany should have been directed against Austria, and that therefore legal injustice has been perpetrated, throws a new monkey-wrench into the international machinery. We are not in position to pass upon the evidence submitted by this Austrian gentleman, but we are interested to emphasize the retroactive significance of the principle set forth in the Treaty of Versailles, that it is a legal document aiming to establish a legal system for the use of the nations. If, as a result of the Treaty of Versailles, such a legal system has been set up, it may be worth while for our foreign offices to allow their minds to contemplate the possibilities of revising the Treaty of Versailles by means of the legal instruments which it itself has set up. If the new facts demand a revision of the verdict of guilt, the revision of the treaty might as well begin there. Faith in justice would be strengthened by such a procedure.

THE SHEATHING OF THE SWORD— A PAGEANT OF PEACE

IT IS difficult to conceive of a worthier, more satisfactory and helpful, educational emprise than for a nation to reincarnate from time to time its ideals in pageantry. June 10, 1922, at the dedication of the athletic field of Western Maryland College, Westminster, Maryland, the initial performance of the pageant "The Sheathing of the Sword," written and directed by Miss Dorothy Elderdice, was given before a large and appreciative audience. It was an inspiring success. As Miss Elderdice says in her foreword:

"The history of the world's peace movement is not recorded exclusively in the minutes of national covenants and disarmament conferences. It is chronicled likewise in picture-writing and stone carving, in song and ceremonial, in the spoken word and the living deed. No one can tell when the movement first began. Perhaps it commenced with the burying of the hatchet somewhere back in the shadows of the Stone Age. But, at any rate, we know that it had reached sufficient momentum to gain expression through a mighty prophet in the days of Isaiah. And in the history of Herodotus we find the following recorded as the cult of the Greeks at the time of Xerxes' invasion: 'I believe in one blood, one speech, one cult, one congruous way of living.'

"In 'The Sheathing of the Sword,' I have endeavored to select from the different ages a few significant historical episodes that lend themselves to pageantry. Peace in panoply has been my quest—Peace heralded by song, attended by art, crowned by humanity.

"Some of the discoveries that came while pursuing this research have proven to be unusually interesting. For instance, Athletics has been revealed as the hand-maiden of Peace. The story of Iphitus, who revived the Olympic Games in 884 B. C. for the purpose of ending war, so impressed the ancient Greeks that they recorded the event on a discus and preserved it thus for centuries. Then, too, it was interesting to find that Rome—even martial Rome—decreed a national festival, by order of Senate and Emperor, when the altar to Pax, the diety of peace, was dedicated. And the last grand council of the Indian chieftains has impressed me as a monumental climax to the drama that began in the days of William Penn."

The pageant took place on the athletic field, a stadium built by Nature, the spectators sitting on the surrounding hills. The Governor of the State, the president of the college, and representatives of the American Peace Society witnessed the proceedings from a special box.

"The Prologue" consisted of the Four Ages—Ancient, Medieval, Modern, and Future—escorted by four Heralds with a fanfare of trumpets. "Peace" with her attendants entered and took their positions upon the dais, grouped with the Ages. The "First Victory," entitled "Greece: The Sacred Truce," consisted of Iphi-